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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,203	08/21/2003	Steven A. Roth	ROTH #31	7247

7590 09/22/2005

THOMAS R. LAMPE
Suite 720
1990 N. California Blvd.
Walnut Creek, CA 94596

EXAMINER

ROBERTSON, TIARA S

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 09/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/645,203

Applicant(s)

ROTH, STEVEN A.

Examiner

Tiara S. Robertson

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13 and 18-20 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-12, 14-17, 21 and 22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 August 2003 is/are: a) ☒ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/24
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: Attached Drawings.

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: On page 7, lines 14 and 16, of the specification reference numbers 50 and 42 are described but are not indicated on the drawings. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 21, and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 1,933,536 to Awbrey.

Regarding claims 1 and 2, Awbrey discloses a bracket with a bracket base (13 of fig. 1) defining a bracket base opening (21 of fig. 1) and including a bracket base surface (A of fig. 4); a first and second connector portion (14 & 15 of fig. 1) extending away from the bracket base in a first and second direction and defining an aperture (31 of fig. 1); a spaced apart first and second bearing element (16 & 17 of fig. 1) connected and angularly disposed relative to the bracket base (see fig. 1).

Regarding claim 4, Awbrey teaches a bracket as described in claim 1, where the bracket base comprises a double-sided plate, one of the sides of the plate comprising the bracket base surface and the other side of the plate engageable by a washer (see figs 2 and 4).

Regarding claims 5 and 6, Awbrey discloses a bracket as described in claim 2 where the connector portions comprise connector plates attached to both the opposed side edges of the bracket base and to the first and second bearing elements and extending outwardly therefrom (see fig 1).

Regarding claim 7, Awbrey discloses a bracket as described in claim 4, additionally showing at least one washer abutment member projecting upwardly from the other of said sides (2 of fig. 2).

Regarding claims 8 and 10, Awbrey discloses a bracket as described in claim 2.

Regarding claim 9, claim 9 is rejected because it fails to add further limitations to the bracket as described in claim 1.

Regarding claim 10, claim 10 is rejected because it fails to add further limitations to the bracket as described in claim 2.

Regarding claims 11 and 12, Awbrey discloses, in combination, a structural element (24 of fig. 4), structural member (12 of fig 4) and a bracket comprising a bracket base opening and including a bracket base surface; a first and second connector portion extending away from the bracket base in a first and second direction and defining an aperture; a spaced apart first and second bearing element connected and angularly disposed relative to the bracket base.

Regarding claim 14, Awbrey teaches the combination as described in 11 where the bracket base comprises a double sided plate (11 or figs. 3 & 4), one of the sides of the plate comprising the bracket base surface bearing against the structural member and the other side of the plate engaging a washer disposed above the plate (see figs 2, 3, 4, 5)

Regarding claims 15 and 16, Awbrey shows the combination as described in claim 12 where the first and second connector portions (15 of fig. 1) comprise plates attached directly to opposed side edges of the bracket base and attached directly to the first and second bearing element and extending outwardly.

Regarding claim 17, Awbrey shows the combination as described in claim 14 where the bracket comprises at least one washer abutment member (26 of fig. 2) projecting upwardly from the other side of the side engaging the washer.

Regarding claim 21, Awbrey shows in combination a bracket base defining a bracket base opening and a bracket base surface (28 of fig. 1); a connector portion (14 of fig. 1) extending away from the bracket base in a predetermined direction and defining an aperture; a bearing element (16 of fig. 1) connected to the bracket base and including a bearing element surface being angularly disposed relative to the bracket base surface.

Regarding claim 22, Awbrey shows in combination a structural element (24 of fig. 4), a structural member (12 of fig. 4) and a bracket including a bracket base defining a bracket base opening and a bracket base surface (28 of fig. 1); a connector portion (14 of fig. 1) extending away from the bracket base in a predetermined direction and defining an aperture; a bearing element (16 of fig. 1) connected to the bracket base and including a bearing element surface being angularly disposed relative to the bracket base surface.

3. Claims 3 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,237,300 to Carne et al.

Regarding claim 3, Carne et al. discloses a bracket with a bracket base (12 of fig. 5) defining a bracket base that comprises a plate having a plurality of edges, and a bracket base opening comprising a slot open at one end of the edges and extending inwardly (14' of fig. 5) and including a bracket base surface; a first and second connector portion (see attached figure) extending away from the bracket base in a first and second direction and defining an aperture (see attached

figure); a spaced apart first bearing element (20a of fig. 5) connected and angularly disposed relative to the bracket base.

Allowable Subject Matter

4. Claims 13, 18, 19, and 20 are allowed over prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion


5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tiara S. Robertson whose telephone number is 571-272-2944. The examiner can normally be reached on Monday-Thursday, 7-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on 571-272-6842. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3635

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TSK
TSR
9/14/05



Carl D. Friedman
Supervisory Patent Examiner
Group 3600